

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.

Oakland, CA 94607

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October 1, 2008

Contract No. 04-0120F4

04-SF-80-13.2 / 13.9

Self-Anchored Suspension Bridge

Letter No. 05.03.01-002762

Michael Flowers
Project Executive
American Bridge/Fluor, A JV
375 Burma Road
Oakland, CA 94607

Dear Michael Flowers,

Protest of Approved CCO 36 – Increase in Tower Base Dowel Anchorage Diameter

This letter is issued in response to ABF-CAL-LTR-000664 and ABF-CAL-LTR-000647, dated September 12, 2008 and August 28, 2008, respectively, which protest the time adjustment clause of Contract Change Order (CCO) No. 36.


CCO 36 was negotiated in good faith and provides for complete compensation for increasing the Tower base dowel anchorage holes, elimination of the need for collar plates, collar support plates, decrease of the tower base plate size, associated detailing costs, and other minor changes. CCO 36 also allows for easier field installation, but has not decreased the time of performance of the contract. Except for the easier field installation, all of the work required by CCO 36 is not on the critical path.

The NOPC states that ZPMC is "*currently claiming a production delay as a result of CCO 36.*" ABF has failed to provide any potential claim or other documentation from ZPMC supporting their position. The Contractor has also failed to provide a TIA as required by Special Provision Section 10-1.13, "Progress Schedule", which states "*...if the Contractor or the Engineer considers that an approved or anticipated change will impact the critical path or contract progress, the contractor shall submit to the Engineer a written time impact analysis.*"

Based upon the information presented in support of NOPC 9, the Contract Documents and the approved fabrication procedures, the Department has determined that the potential claim is without merit.

Should the Contractor desire to pursue this issue further, your attention is directed to the requirements and timelines of Standard Specification 9-1.04 as modified by the Special Provisions.

Sincerely,


GARY PURSELL
Resident Engineer

cc: Rick Morrow, Don Ross, Mark Woods
file: 05.03.01, 49.036, 62.02.009